

1
2
3
4
5
6
7
8
9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA
11

12 BP WEST COAST PRODUCTS, LLC,
13 Plaintiff and Counter-Defendant,

14 v.

15 CROSSROAD PETROLEUM, INC., ET
16 AL.,
17 Defendants and Counter-Claimants.

18 AND RELATED CONSOLIDATED
19 ACTIONS

Case No.: 12-CV-665 JLS (JLB) Lead
Case

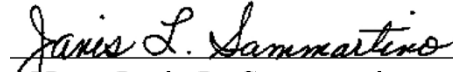
**ORDER REQUESTING
ADDITIONAL BRIEFING**

20 Presently before the Court is Plaintiff and Counter-Defendant BP West Coast
21 Products LLC's ("BP") Motion for Summary Judgment, (ECF No. 685). In part, BP argues
22 the Court should grant summary judgment on BP's claim for breach of guaranty
23 agreements as to guarantor defendants Khaja Ansari, Fazilath Ansari, Nadir Sahih, Payam
24 Sahih, Rajesh Arora, Anup Patel, Tarun Maitra, and Soma Prasad. Neither BP nor
25 Defendants addressed the validity of the guarantee agreements. *See Grayl CPB, LLC v.*
26 *Kolokotronis*, 202 Cal. App. 4th 480, 486 (2011) (holding a lender must show the following
27 to prove breach of guaranty: "1) there is a valid guaranty, 2) the borrower has defaulted,
28 and 3) the guarantor failed to perform under the guaranty." (citing *Torrey Pines Bank v.*

1 *Superior Court*, 216 Cal. App. 3d 813, 819 (1989)).) Accordingly, each Party **SHALL**
2 **FILE** a supplemental brief (one per side) regarding the validity of the guarantee
3 agreements on or before December 5, 2017.

4 **IT IS SO ORDERED.**

5 Dated: November 28, 2017


6 Hon. Janis L. Sammartino
7 United States District Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28